



5/11/05

CASE TX/4-100-8186C

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FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10
EV4836684624S

Express Mail Label Number

May 10, 2005
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

COTTENS ET AL.

APPLICATION NO: 09/738,104

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS

MS: Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

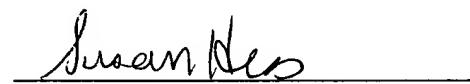
Sir:

This is in response to the Office Action mailed February 22, 2005 having a shortened one month period for response which expired on March 22, 2005. Applicants enclose a petition for a two month extension of time together with authorization to deduct the appropriate fee.

The Examiner has indicated that the claimed subject matter is drawn to two distinct inventions and has required restriction to one of the following inventions, Group I (Claim 1-5) drawn to a microemulsion pre-concentrate and Group II (Claims 6-10) drawn to a composition comprising a macrolide. Applicants elect, without traverse, to prosecute the invention of Group I, Claim 1-5. Applicants expressly reserve the right to file a divisional application directed to the non-elected claims of this application.

Early examination of the claims and allowance of the same are respectfully requested.

Respectfully submitted,


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Date: May 10, 2005